

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, FEBRUARY 09, 2011

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Bhardwaj, Davies, Fulkerson. – **Miller was absent.**
- City Staff in attendance: City Attorney Paul Hagen, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session scheduled.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

- Postpone discussion item 5 (Audit) to a future meeting.
- Move consent item 8 to discussion agenda.

*Motion (Fulkerson/Davies) to approve the agenda as amended. **Passed 4-0.***

VI. APPROVAL OF MINUTES – *No minutes were prepared for approval.*

VII. COMMISSIONERS REPORTS

Bhardwaj:

- **Town Hall:** Met with organizers of upcoming Mardi Gras celebration to discuss decorating options for Town Hall.
- **City Manager:** Interviews underway.
- **Fire Event:** Last Saturday's event details are under investigation. Trying to assemble facts. Event details were not disclosed to City and residents in advance. City personnel attended the event to ensure safety.

Morgan: Attended tourism workshop in Ukiah.

VIII. STAFF REPORTS – None.

IX. ITEMS FROM THE FLOOR

M.J. Misurek – Humboldt Surfrider Representative

Introduced proposed legislation banning plastic grocery bags and updated Council on progress at State and County levels.

Glenn Saunders – Trinidad

Read letter submitted to Council regarding pending lawsuit between Tsurai, City, and residents Pennisi & Ferrett. Suggested that the City let it go.

Marie Garibedian – Humboldt Spin Collective representative, Trinidad Resident.

Organizer of last weekend's event at the Town Hall. Ensured the Council that the Collective performs at many events and is involved in the community. Took full responsibility for the event and requested that any questions involving safety or details be directed to her. Also noted that the group is fully insured with a 2 million dollar liability policy designed to protect cities and property owners where events take place.

Bryce Kenny – Trinidad

Encouraged the Council to move forward with draft lease agreement with HNCLT and County Library system.

Dorothy Cox – Trinidad

Lived behind the Town Hall for many years, and never witnessed an event that was as disruptive as the one that took place last weekend. An event consisting of pyrotechnics should require more notice than was given. The noise irritated pets, and frightened her. Would appreciate advance notification when events of that scale are scheduled.

Bridget Brown – Trinidad

I too live adjacent to the Town Hall. Last weekend's event was safe and spectacular.

Steve Burch – New Trinidad Resident

We recently moved to Trinidad. We didn't relocate here to experience disruptive events like that.

Betty Shernice – Trinidad

I support the proposal to build a Skatepark facility in Trinidad and would be glad to help in any way I can.

X. CONSENT AGENDA

1. Staff Activities Report through January, 2011
2. Financial Status Reports for December, 2011
3. Revision of MOA with the Trinidad Rancheria for Prop 84 ASBS Project
4. Report on Animal Control Ordinances in Trinidad
5. Indian Gaming Committee Appointment
6. Proclamation 2011-01: Engineer's Week
7. Resolution authorizing an agreement for CA Department of Conservation Grant

*Motion (Davies/Fulkerson) to approve consent agenda items 1-7. **Passed 4-0.***

8. Agreement Between the City of Trinidad and Winzler & Kelly for Technical Assistance for Department of Public Health Turbidity Meter/Monitoring Upgrade Grant

City Engineer Rebecca Crow explained that the City was approved for a Turbidity Monitoring Grant from the California Department of Public Health, Proposition 50 Chapter 4.a.3 grant program. The project has been on hold until recently due to state funding delays. In November 2010, CDPH staff contacted the City to see if additional monitoring systems should be added to the project.

Winzler & Kelly discussed this with City staff and developed a list of additional monitoring components that would be of long-term value to the City. The biggest item was the move to a Programmable Logic Controller (PLC) based system which will enable the City to meet existing monitoring needs as well as create a platform that can easily be expanded in the future to provide additional monitoring, controls, and alarms to the City's system.

A scope of services was developed to prepare the additional design plans and equipment specifications that are necessary to put the project out to bid. In addition, the scope includes the work to integrate the information collected by the PLC with a user interface and develop City specific data screens to facilitate easier monitoring of system components and reporting on monthly data.

CDPH is proposing to fully grant fund the entire project, but time is of the essence. The Proposition 50 funds must legislatively be spent by March 2013. CDPH has informed the City that to remain eligible for the grant funds the project must be ready to bid by the end of March. This scope of service will get the project ready in this time frame. Once the project is ready to bid the CDPH will finalize the funding agreement and the City may be reimbursed for expenses incurred. The City received a letter of commitment from CDPH to fund this project in 2008. Per discussions with CDPH no new letter of commitment will be issued for the expanded scope, the original letter is still binding. The project grant budget attached to this staff report, details out the City's costs prior to the formal funding agreement.

*Motion (Fulkerson/Davies) to approve Winzler & Kelly's Scope of Services in the amount of \$58,368 for Technical Assistance for Department of Public Health Turbidity Meter/ Monitoring Upgrade Grant. **Passed 4-0.***

XI. AGENDA ITEMS

1. Memorandum of Understanding with Humboldt County for Temporary Library Location
In searching for a temporary location for the Trinidad Library, the City Manager offered the kitchen office in the Town Hall Annex (463 Trinity Street). Though this is a small space, it was desirable to the City because the building was already under lease where utilities and other costs are already included in the City's budget.

Though the space is far from perfect, as a temporary location it will keep a presence of the library functions in Trinidad until the new building can be constructed and opened. The City Manager worked with the County Administrative office and County Counsel, and it was determined that a Memorandum of Understanding (MOU) would suffice as a business arrangement between the City and County. The MOU was drafted by County Counsel. It needs to be approved by both the Trinidad City Council and the County Board of Supervisors.

Public comment included:

Victor – County Librarian

Thanked the City for assistance.

Kenzie Mullen – Trinidad Librarian, 25 years

Thanked the City for effort in finding a temporary location. Trinidad Library has been in service continually since 1914. This is the first interruption in service. County Bookmobile spent 18 hours in Trinidad last month. Groundbreaking for new library in Saunders Park location is scheduled for spring 2011.

*Motion (Fulkerson/Davies) to approve MOU with Humboldt County for temporary Library location. **Passed 4-0.***

2. Skateboarding Issues in Trinidad

Mayor Bhardwaj explained that over the past few months, there has been a growing effort to create a legitimate location for skateboarding in Trinidad. This effort is being led by a number of volunteers, parents, and local kids who want to have a safe and improved location somewhere in or near Trinidad. At this time, this is NOT a city project and no staff time or City resources are being committed to this effort.

At the last Council meeting, the Council requested staff to summarize existing ordinances that limit the locations where skateboarding can be done in Trinidad. There is currently an ordinance in place: Chapter 10.12 of the Municipal Code prohibits skateboarding on Edwards Street, Trinity Street, and Main Street (adopted August 9, 2000). Trinidad Deputy Sheriff Scott Hicks prepared a memo that explains the following laws and ordinances that apply to skateboarding:

- **Trinidad Municipal Code 10.04.010:** Defines “Streets” in relationship to sidewalks.
- **Trinidad Municipal Code 10.12.010:** Prohibits Skateboarding on Main, Trinity, and Edwards Street, as well as Trinidad Lighthouse vicinity.
- **California Vehicle Code 21212(a):** Helmet law that applies to persons under 18 years of age.

Public comment included:

Wendy Carney – Trinidad resident and parent of 2 skateboarders

I have to kids that skate regularly and are members of the Trinidad Skatepark Alliance. I like them to stay close and don't believe that shipping them off to Arcata and Eureka is the right solution. I support the movement to build a safe, legal facility in Trinidad for the kids to skate.

Betty Shernice – Trinidad

I support the skateboarders. I would like to see a facility developed in Trinidad, and offer to help in any way I can.

Clarence Goldberg – Trinidad

Read a prepared statement on behalf of son, Larry Goldberg, parent of skateboarder, who urged the Council to support the effort and consider building a facility in Trinidad and support local youth.

Lisa Espejo – Trinidad Skatepark Alliance Project Coordinator

The mission of the Alliance is to promote skating in a safe environment. The kids skate in Trinidad because they live in Trinidad. The Alliance supports and encourages safe skating, wearing helmets, and involving local youth in the community. Also explained that a public meet and greet will be organized to introduce the Alliance members to the community. Expressed concern with suggestion to create a list of names and locations of skaters, as requested by Mayor Bhardwaj.

Sungnome Madrone – Trinidad Area Resident

Trinidad is a wonderful City. These servants work hard for the community, and without youth where is our future? These kids are always on the hunt for fresh concrete. Let's just plan for it – let's do it! Compared pampas grass taking over disturbed soil with kids taking over freshly poured concrete.

Penny Gunn – Trinidad Area Resident and parent of Skate Alliance member.

These children are our future. Skateboards are a legitimate means of transportation. Get beyond the issues and work together. There is a huge boom of kids growing up in Trinidad that make up a new generation here. This is not just a retirement community or artist community. It has become a community of local families, and the kids should have a voice, and a place in this town too.

Bridget Brown – Trinidad

I am a parent of two kids, age 5 & 6. They both skate and at times, that's all they think about. Skating is a huge part of their life. If we can have a casino here, we can build a skatepark. Also read a prepared statement from sister Alicia Brown, Trinidad native, who also supports the effort.

Johnna Kitchen – Trinidad

I am a registered Dietician. I encourage people to be active and eat healthy. I don't want my kids to be hanging out in the woods or at the beach without me. I support a multi-use park along side a skatepark, to give families a place to play in a central, safe, and visible location.

Marc Woods – Trinidad

I am a parent of 2 kids who skate regularly. I would like to explore the following questions. 1) Is there any suitable public land available and suitable for a skatepark? 2) Are there any funds available? 3) Would the City be interested in assuming State Park lands adjacent to the City? 4) Would it be possible to reclassify or remove "passive recreation only" from the easement between the city and the land trust over Saunders Park?

Stephanie Silvia – Trinidad Area Resident

My son attends a charter school in Arcata, but hangs out with friends after-hours in Trinidad. I support the effort to build a safe multi-use park for local families to use, but also attract visitors to the area.

Patti Fleschner – Trinidad Museum President

Thanked the kids and Lisa Espejo for meeting with the Museum Board a few weeks ago. It's wonderful to have children in the community again, and would be happy to discuss option to invite skating on or nearby the park/museum grounds if feasible in the future.

Don Allen – Trinidad Area Resident

I raised 3 kids in Trinidad, and it's great to see enrollment increase at Trinidad School again. We need to find them a space to skate, and if the will is there, the community will build it.

Janine Volkmar – Trinidad Area Resident

52 years ago I built my own skateboard with wheels from roller skates. I worked for 5 years at an injury center and nursed young residents who were permanently disabled from high-risk activities such as skateboarding. More helmets are needed on young heads in this city! Please wear helmets.

Lori Wright – Trinidad Area Resident

It is awesome to see this crowd tonight in support of a community-based, grassroots effort. Also thanked the City Clerk for generosity in privately supporting the 7th & 8th grade class fundraiser. A skatepark will be a great asset to both the city and visitors. Thanked residents without kids for stepping up to help.

April McDonald - Trinidad Area Resident and parent of Skate Alliance members

These kids are organized and committed. It's fascinating to see kids of all ages playing together, and the Skate Alliance encourages that. Last year many of these kids volunteered to run the Fish Festival Recycling program. They all have great spirits and are active and healthy. I agree completely that helmet safety should be a priority. I also don't want to see my kids playing in the forest unsupervised, and support a centrally located skate facility proposal.

Nick Kieselhorst – Trinidad Area Resident

I was born and raised in Trinidad. I attended Trinidad School. I chose to stay here, become an active member of my community, and reinvest in my town. Everyone should be able to enjoy Trinidad and a multi-use facility would be a great option.

Bryce Kenny – Trinidad

The City should identify ways of better communicating with the kids until a skatepark is built.

Rocky Whitlow – Trinidad Area Resident

I too was born and raised here. Asked all the kids in the audience to stand and introduced them to the Council and audience. Encouraged the City to invest in and support them.

Tom Sebourne – Trinidad Area Resident

Encouraged the Council to review recent Census data if information is needed regarding population statistics.

Council comments included:

Fulkerson: Great comments and questions related to health, injuries, safety, training, pride, locations, etc. What are the possibilities and realities? This will be a challenge. What are the options for multi-use activities? I would support appointing a committee to explore the options. We face two different projects; 1) Our ordinance is vague and should be reviewed, and 2) Skatepark development committee. What role with the committee serve? This shouldn't be a staff committee.

Davies: Thanked Adams and Espejo for mentoring the kids and organizing them. Also explained that the "us against them" mentality will get us nowhere. However, it looks like we're all on the right track.

Morgan: Thanked the Alliance for their efforts, and explained that it would be ideal if they continued with the research and bringing solutions to the Council. Urged the Council to support the effort and keep the up with the momentum.

Bhardwaj: These children are our future. Until we have a park, we need to continue working with the kids and teach them how to integrate themselves into the community. Also would like to hear input from Councilmember Miller.

By consensus, the Council agreed to encourage the Skatepark Alliance supporters to organize and form a committee designed to explore options for development of a multi-use facility and report back to the Council at a future meeting.

3. Report on Van Wycke Trail Improvements

Public Works Director Bryan Buckman explained that staff is investigating how best to improve the Van Wycke Trail. It has been closed temporarily because there has been continued slippage and erosion of the ground beneath the trail, creating a potentially dangerous condition. The entire trail is part of the original right-of-way of the City that was Van Wycke Street.

Since the Council last meeting, Busch Geotechnical Consultants has been retained to evaluate the land under the trail to determine its long-term stability. If both the existing drainage line and the foot path need to be relocated further from the edge of the embankment onto private property (a new easement), then the cost of this action needs to be supported by factual information that would justify the expense.

At the last meeting, Sungnome Madrone presented the Council with a proposal to do a short-term fix to the existing trail that includes addressing the multiple leaks in the existing. That proposal has been given to Winzler & Kelly for review. They think this may be a reasonable short-term fix to be able to reopen the trail, but they also suggest minimizing adding weight to the existing trail.

Buckman explained that the city is faced with 3 options: 1) Allow TPW to execute the work, 2) send repair work out to bid, or 3) retain the services of Madrone Enterprises to perform the work. He suggested approving option number 3.

Public comment included:

Jim Cuthbertson – Trinidad

June is right around the corner and Prop 1B money needs to be spent. Get the job done.

Tom Odom – Trinidad

Supported hiring Madrone Enterprises execute the repairs.

Don Allen – RCAA

The trail should be stabilized and kept for public access.

Sungnome Madrone – Madrone Enterprises

Access permission needs to be secured from adjacent property owners prior to work.

Julie Fulkerson – Adjacent property owner

The big fix seems too big to do before June. I support the project, but it should be done by adding as little weight to the bluff as possible.

*Motion (Davies/Morgan) to approve the Van Wycke Trail repair scope of work received February 04, 2011 from Madrone Enterprises not to exceed \$5,000. **Passed 3-0.** Fulkerson abstained.*

4. Report on Vacation Dwelling Units Regulatory Ordinance Schedule

City Attorney Hagen explained that this time last year, the City Council appointed a Vacation Dwelling Units Advisory Committee. Between January and May of 2010, the Committee met frequently to discuss vacation dwelling units in Trinidad and make recommendations to the Council. A final report was presented at the June 9, 2010 Council meeting, and at its August meeting the Council approved moving forward with an ordinance to regulate vacation dwelling units in the City.

The proposed ordinance addresses regulations that would apply to all dwelling units in the City that are used as vacation rentals. At this time, the ordinance does not address any limit or cap to the number of units that can be used for this purpose. The recommendations formed by the Committee and accepted by the Council have been forwarded to the City Attorney to be organized and written into an ordinance format. The recommendations address such things as number of persons per unit, parking, emergency contacts, and signage.

The next step is to send it back to the Planning Commission for review and approval.

Public comment included:

Richard Johnson – Planning Commission Chairman

The February agenda is full. Doubtful the Commission can hear the item before the regular meeting in March.

Adora King – Trinidad

I live at 396 Wagner Street. Vacation rentals are ok, but not at the expense of residents quality of life. This ordinance is acceptable. The city should notify residents of proposed conversion of homes to vacation rentals, specify who inspects septic systems, and clarify excessive parking issues.

Mike Reinman – Redwood Coast Vacation Rentals

The City should give fair and equitable treatment to all rentals, permanent and vacation. Those standards should be applied the same for everyone. I disagree with 1 VDU per parcel. Regarding noise, why is it that the Town Hall can create noise after 10:00pm, but not private homes?

Johnna Kitchen – Trinidad Retreats

Profiling VDU's is unacceptable. If we don't do this for private residents, we shouldn't do it for VDU's. Who will the neighbor call and complain to? I'm concerned about the enforcement process.

Reid Kitchen – Trinidad Retreats

Concerned about homeowner representation in this process, and allowing the city and/or neighbors to have this much control over private property.

Tom Groth – Trinidad Resident

I live in the Trinidad Bay Trailer Court. It's my understanding that over the last 10 years, the Trinidad Police Department has only responded to one complaint regarding vacation rentals. Why are we bothering with all this enforcement? Fine the casino for all the emergency calls that Police must respond too.

Council comments included:

Fulkerson: We should have moved quickly on this month's ago. So much time and work went into developing this ordinance.

Davies: I was on the committee. It had wide representation. We worked together at 8 or 9 meetings to develop a list of concerns, priorities, and concluded with this ordinance. Property rights go both ways. The use of one property shouldn't be allowed to significantly impact another resident's quality of life.

Bhardwaj: Commercial activities and uses do not have the same standards as residential uses, and the City has complete authority to regulate land use issues.

*Motion (Fulkerson/Davies) to forward draft VDU Ordinance to the Planning Commission for expeditious action and return to the Council for consideration at a future meeting. **Passed 4-0.***

5. Presentation and Approval of the 2009-10 Financial Audit.
Continued to a future meeting.

6. Council Position for RREDC vote in February on Governor's Redevelopment
Councilmember Fulkerson explained that RREDC considered taking a position on the State's Redevelopment Proposal. Redevelopment Agencies redirect property tax dollars away from schools and other local agencies. Redevelopment Agencies are typically created to address urban blight. The redevelopment Agency receives the future growth in property taxes from the area, known as the property tax increment. The RREDC Board will take a position on the State's interest in limiting Redevelopment Agencies.

No position was taken. No decision was made.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

- Permitting process for town hall events.
- Audit presentation.
- Real Estate Signs.
- Engineer's Scope of Work for Long-Term Fix of Van Wycke Trail.

XIII. ADJOURNMENT

- Meeting ended at 10:35pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Kathy Bhardwaj
Mayor